

RESOLUTION NO. 78-165

BEFORE THE CITY COUNCIL OF THE CITY OF
LODI, CALIFORNIA

INDUSTRIAL WAY AND BECKMAN ROAD ASSESSMENT DISTRICT NO. 1

A RESOLUTION OF INTENTION TO ACQUIRE AND/OR
CONSTRUCT IMPROVEMENTS

RESOLVED, by the City Council of the City of Lodi, California, that in its opinion the public interest, convenience and necessity require and that it is the intention of said Council to order the acquisition and/or construction of the improvements hereinafter described.

1. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work shall be shown on the plans to be done therein.

2. Said streets and highways are more particularly shown in the records in the office of the County Recorder of San Joaquin County, California, and shall be shown upon the plans herein referred to and to be filed with the Clerk of said City.

3. All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided.

4. There is to be excepted from the work herein described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications.

5. Said improvements to be acquired and/or constructed are more particularly described as follows:

(a) The improvement of the following streets by clearing and grading, and the construction therein of: Portland cement concrete curbs, gutters, sidewalks; pavement, consisting of roadway excavation, concrete subgrade compaction, aggregate base, and asphalt concrete paving; barricades, street sign posts and survey monuments; storm water drain pipes with manholes and catch basins; sanitary sewer pipe, with manholes and service laterals; domestic water distribution asbestos cement pipe, with butterfly valves, blowoffs, fire hydrants, and service laterals; and street lighting system; to wit:

(1) Industrial Way from the easterly line of Beckman Road easterly approximately 1,250 feet to its intersection with Cluff Avenue;

(2) Cluff Avenue from Industrial Way southerly approximately 732 feet to the southerly line of Vine Street;

(3) Vine Street from its intersection with Cluff Avenue westerly approximately 868 feet; and

(4) The easterly side of Beckman Road from its intersection with Industrial Way northerly approximately 450 feet.

(b) Removal of excess material and compaction of fill in areas where excess material has been removed, the compaction of land, and change of grade or contours, all suitable for the purpose of the stabilization of soils within the District and/or to eliminate any disparity in level or size between the improvements and private property;

(c) The payment to Pacific Gas and Electric Company, a regulated public utility, for the performance of work and service by said utility for the installation of a natural gas distribution system, together with necessary appurtenances for the distribution of gas service to the lots within the District;

(d) The doing of all work auxiliary to any of the above and necessary to complete the same;

(e) The acquisition of all lands and easements necessary for any of said work and improvements.

6. Notice is hereby given of the fact that in many cases said work and improvements will bring the finished work to a grade different from that formerly existing, and that to said extent said grades are hereby changed and that said work will be done to said changed grades.

7. Said Council does hereby adopt and establish as the official grades for said work the grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of the City. .

8. The descriptions of the acquisitions and/or improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work and maps and descriptions as contained in the Engineer's report shall be controlling as to the correct and detailed description thereof.

9. The costs and incidental expenses of said contemplated acquisitions and improvements are made chargeable upon an assessment district, the exterior boundaries of which are described in Exhibit A, attached hereto, and delineated upon a map thereof, entitled, "Proposed Boundaries of Industrial Way and Beckman Road Assessment District No. 1", on file with the City Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

10. Said Council further declares that all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from the assessment hereafter to be made to cover the costs and expenses of said acquisitions and improvements.

11. Notice is hereby given that serial bonds to represent the unpaid assessments, and bearing interest at not to exceed the maximum rate specified in the Improvement Act of 1911, will be issued hereunder in the manner provided in said Act, and the last installment of said bonds shall mature not to exceed nineteen (19) years from the second day of January next succeeding the next September 1st following their date. Said bonds shall be made payable to bearer and provide a premium of five percent (5%) of the unmatured principal thereof on call. The City Council hereby elects that the first one percent (1%) penalty on said bonds shall be retained by the Treasurer and shall be charged as a cost of servicing the delinquency.

12. Except as herein provided for the issuance of bonds, all of said improvements shall be done pursuant to the provisions of the Municipal Improvement Act of 1913, Sections 10,000, et seq., of the Streets and Highways Code of the State of California.

13. Reference is hereby made to proceedings had pursuant to Division 4 of the Streets and Highways Code on file in the office of the City Clerk.

14. Said proposed acquisitions and/or improvements are hereby referred to BAUMBACH & PIAZZA, Civil Engineers, Lodi, California, being a competent firm employed by said City for that purpose; and said Engineer is hereby directed to make and file with the Clerk of said City a report in writing, presenting the following:

(a) Maps and descriptions of the lands and easements, and a general description of the works or appliances to be acquired;

(b) Plans and specifications of the proposed improvements to be made pursuant to this Resolution of Intention;

(c) Engineer's statement of the itemized and total estimated costs and expenses of said acquisitions and/or improvements and of the incidental expenses in connection therewith;

(d) Diagram showing the assessment district above referred to, and also the boundaries and dimensions of the respective subdivisions of land within said District as the same existed at the time of the passage of this Resolution of Intention, each of which subdivisions shall be given a separate number upon said diagram;

(e) A proposed assessment of the total amount of the costs and expenses of the proposed acquisitions and/or improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto.

15. Notice is hereby given that, in the opinion of the Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements, and that, pursuant to Section 10502.4 of the Streets and Highways Code, no notice of award of contract shall be published.

16. If any excess shall be realized from the assessment, it shall be used in such amounts as the Council may determine, in accordance with the provisions of law for one or more of the following purposes:

(a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment in accordance with the provisions of Section 10427.1 of the Streets and Highways Code;

(c) To reimburse the City for any contributions or advances to or for the construction fund in accordance with the provisions of Section 10427.2 of the Streets and Highways Code;

(d) For the maintenance of the improvements or a specified part thereof.

17. The natural gas distribution facilities to be installed shall be planned and constructed by and transferred to the Pacific Gas and Electric Company, a regulated public utility, in accordance with the provisions of Sections 10109, et seq. of the Streets and Highways Code of the State of California, and that a proper agreement therefor be executed by the City Manager and attested by the City Clerk. In the event that the agreement with said public utility provides for the payment of refunds, and to the extent that the works, appliances, or improvements to which such refund payments are applicable are financed by special assessments, any amounts paid by the public utility as a refund payment for such works, appliances, or improvements to be transferred to the public utility under said agreement, shall be deposited into a special fund to be established and administered by the City Treasurer and applied as a credit upon the assessment and supplemental assessment, if any, in the same manner as provided in Section 10427.1 of the Streets and Highways Code. Such credits shall be applied only to the assessments levied for the particular improvements for which such refund is made. Any such amounts shall be transferred to the general fund of the City if:

a) Such amounts are paid later than four years from the date of recordation of the assessment and any supplemental assessment, or

b) In the event bonds have been issued, such amounts have been paid later than four years after the due date of the last installment upon such bonds, or of the last principal coupons attached thereto.

DATED: November 15, 1978

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 78-165 was passed and adopted at a regular meeting of the City Council of the City of Lodi, held November 15, 1978, by the following vote:

AYES: Councilmen - Hughes, McCarty and Pinkerton

NOES: Councilmen - None

ABSENT: Councilmen - Katnich and Katzakian

ABSTENTIONS: Councilmen - None

Alice M. Reimche
ALICE M. REIMCHE

Baumbach & Piazza
civil engineers

221 West Oak Street
Lodi, California 95240

Phone (209) 368-8098

NOVEMBER 6, 1978

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LEGAL DESCRIPTION FOR CITY OF LODI INDUSTRIAL WAY AND

BECKMAN ROAD ASSESSMENT DISTRICT NO. 1

Beginning at the center of Section 7, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, City of Lodi, San Joaquin County, California, and run along the South line of the Northwest Quarter of said Section 7, North $87^{\circ} 44' 20''$ West, 868.20 feet; thence North $0^{\circ} 32'$ West, 734.80 feet; thence North $87^{\circ} 36'$ West, 380.09 feet; thence North $0^{\circ} 48'$ West, 452.70 feet; thence South $87^{\circ} 28' 15''$ East, 1250.65 feet to a point on the East line of said Northwest Quarter; thence along said East line, South $0^{\circ} 32'$ East, 1182.45 feet to the True Point of Beginning and containing 27.53 acres, more or less.

EXHIBIT A